IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5933 of 2006

Shri Karangalpady Rama Shetty .. Petitioner

versus

The Thane City Municipal

Corporation & Anr. .. Respondents

...

Mr.A.L. Kumar for the petitioner.

Mr.R.S. Apte for the respondent nos.1 and 2.

CORAM : S.B. MHASE AND

D.G.KARNIK, JJ

DATED : 5th July 2007.

P.C.:

. Mr.Apte learned counsel for the municipal council makes a statement that the disputed encroachment was removed by a municipal council after holding an enquiry. Such construction has been removed on 4th April 2007. We accept the said

statement. Apart from the statement what we find that the dispute between the parties is a private dispute and it is tried to be ventilated through an agency of a municipal council. If the petitioner is desirous of getting the removal in respect of the encroachment, he may file a separate civil suit in an appropriate civil court for removal of encroachment and injunctions. We refrain to entertain the petition.

2. Petition is hereby rejected.

(D.G. KARNIK, J) (S.B. MHASE, J)